UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Criminal No. 5:08-CR-175-FL Civil No. 5:11-CV-418-FL

DESMOND LAMONT GARRETT)	
Petitioner,)	
v.)	<u>ORDER</u>
UNITED STATES OF AMERICA, Respondent.)))	

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty** (**40**) days of the filing of this order.

SO ORDERED.

This the 1st day of September, 2011.

Louise W. Flanagan

Chief United States District Judge

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